

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 15, 2009

The City Council convened in Regular Session on Tuesday, December 15, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Larry Muench presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Jerry Reese, Ron Stivison, and Richard Veit. Absent: Erv Ermeling and Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #47000

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag led by Cub Scout Troop 351 from St. Charles Borromeo.

A motion was made by DAVE BECKERING to excuse the absences of Councilmembers Erv Ermeling and Michael Weller. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

PUBLIC HEARINGS

The President of the Council Larry Muench announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. An amendment to Chapter 156 of the Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending *Section 156.253(A) Reconsideration of Applications for Amendment, Supplement or Change to the Zoning Code (Council Bill 10062)*
- B. Five-Year Review of the following Tax Increment Financing Districts to determine whether each redevelopment project is making satisfactory progress toward completion under the time schedules set out in its approved plan:
 - i. Elm Point Redevelopment Area
 - ii. St. Charles County Convention Center Redevelopment Area
 - iii. The West 370 Redevelopment Area (Fountain Lakes Property) *(RCA Attached)*

RESOLUTIONS/AWARDS/PROCLAMATIONS

Recognition of the Retirement of Herb Morie (Police Department)

Police Department Employee Herb Morie was recognized for his upcoming retirement.

Performance of Christmas Carols by the St. Charles West Chamber Choir

The St. Charles West Chamber Choir directed by Andrew Scott performed two Christmas Carols.

Holiday Ice Skating Rink

A U-tube slide show was shown relative to the Holiday Ice Skating Rink in Frontier Park.

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Presentation of Awards for the Sixth Annual St. Charles City Lights Display Contest
The Honorable Mayor Patricia M. York and Staff Liaison of the Beautification Commission Anne Burch announced the winners of the Fifth Annual St. Charles City Lights Display Contest, as follows:

Baue Funeral Home – 620 Jefferson Street
Kenneth R. Bussen – 1829 Summitview Drive
Francis “Chris” Aiello – 2816 Diekamp Farm Trail
Connie Caldwell & Williams King – 47 Delacroix Place
Al Koehler – 1024 N. Duchesne Drive
Ken Von Ahsen – 901 Penrose Lane
Steve & Chris Foshage – 209 E. Governor Place
Chris Donaubauer – 620 Nancy Drive
Jay & Thelma Indelicato – 616 Norwich Drive
Bruce A. Edler – 221 Shelburne Drive
Mayor’s Award – Rick & Donna Pfaff – 19 Belle Plaine Drive

Resolution Approving the Capital Improvement Plan, Fiscal Years 2010-2014 (Sponsors: All Members of the City Council)

President of the Council Larry Muench stated that a request was made that the Resolution be considered following discussion relative to Council Bill 10061 (Adoption of 2010 Budget).

A Resolution Authorizing Submittal of an Application with The Officer Down Memorial Page, Inc., Memorial Grant Program, to Provide Lighting for the Memorial Monument to be Located in Front of the Criminal Justice Center (Sponsor: Larry Muench)

Passed “Aye”: Muench, Reese, Stivison, Veit, Beckering, Feldman, Klinghammer, and Kneemiller

 “Nay”: None

 Absent: Weller and Ermeling

Approved by the Honorable Mayor on December 16, 2009, and is known as **Resolution R09-28**

BILLS FOR FINAL PASSAGE

Bill 10061 (Substitute Bill No. 1) (Amended)

An Ordinance Adopting a Budget for the City for the Period from January 1, 2010 to December 31, 2010, and Appropriating Money in the City Treasury to Pay for the Cost of Operating the City Government During That Period in Accordance with the Budget
(Sponsor: Larry Muench)

A motion was made by DAVE BECKERING to amend Council Bill 10061 by amending the 2010 Budget, as follows:

1. Pertaining to the Use of Excess Reserves:
 - a. Delete the \$12,000 for a combined Police and Fire Specialty Color Guard
 - b. Delete the \$35,000 for Beautification of the Zumbahl Road Medians
 - c. Delete the \$25,000 for the continuation of the Mayor’s Clean Team

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- d. Delete the \$10,000 for a Communication Survey
- e. Delete the \$10,000 to re-institute the Police Department Tactical Team
- 2. Pertaining to the Senior Utility Tax Rebate Program - Delete \$350,000
- 3. Pertaining to the Street Fund Reserve reduce the funding by \$671,840 (10% versus 20%)
- 4. Pertaining to the pay increase due to the Compensation and Classification review – Delete the \$213,483 for raises for non-represented employees
- 5. Pertaining to the Director positions for HR and IT:
 - a. Delete \$30,000 for HR
 - b. Delete \$30,000 for IT
- 6. Pertaining to the position of Public Relations – Delete \$44,000
- 7. Pertaining to the following capital projects:
 - a. Delete \$200,000 from City Hall
 - b. Delete \$130,000 from Street Facility
 - c. Delete \$150,000 from the Economic Development Fund
 - d. Delete \$50,000 from Interchange Enhancements
 - e. Delete \$200,000 from Asphalt Overlays
- 8. Pertaining to funding rebate program for all residents meeting the current income guidelines as adopted by the City – Add \$450,000
- 9. Pertaining to reduction of the utility tax – Add \$431,000
- 10. Pertaining to the funding of the general reserve fund – Add \$213,483
- 11. Pertaining to the funding of a new reserve fund for the purpose of lowering the required increase to water and sewer rates for residents – Add \$1,066,840.

RICHARD VEIT seconded the motion. Councilmember Dave Beckering further explained the motion; and discussion ensued regarding the motion.

A motion was made by BOB KNEEMILLER that the motion be divided and a vote on each amendment to the budget be taken separately. RICHARD VEIT seconded the motion. All voted in favor of the division of the question, motion passed.

Police and Fire Specialty Color Guard. A motion was made by RICHARD VEIT to amend the main motion to delete \$9,000 for a combined Police and Fire Specialty Color Guard. Motion died for lack of a second. The vote on the deletion of the \$12,000 for a combined Police and Fire Specialty Color Guard was taken, with the following results: “Aye”: Beckering, Feldman, and Kneemiller. “Nay”: Muench, Reese, Stivison, Veit, and Klinghammer. Absent: Weller and Ermeling. Motion failed.

Beautification of the Zumbehl Road Medians A motion was made by BOB KNEEMILLER to amend the main motion to delete \$25,000 for the Beautification of the Zumbehl Road Medians. RICHARD VEIT seconded the motion to amend the main motion. All voted in favor of the motion to amend the main motion, motion passed. The vote on the deletion of the \$25,000 for Beautification of the Zumbehl Road Medians was taken, with the following results: “Aye”: Reese, Veit, Beckering, Feldman, Klinghammer, Kneemiller, and Muench. “Nay”: Stivison.

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Absent: Weller and Ermeling. Motion passed. Vice President of the Council Laurie Feldman suggested that the Park Department Arborists be consulted in determining the landscape plan for the medians.

Continuation of the Mayor's Clean Team. The vote on the deletion of the \$25,000 for the continuation of the Mayor's Clean Team was taken, with the following results: "Aye": Veit, Beckering, and Kneemiller. "Nay": Stivison, Feldman, Klinghammer, Muench, and Reese. Absent: Weller and Ermeling. Motion failed.

Communication Survey The vote on the deletion of the \$10,000 for a Communication Survey was taken, with the following results: "Aye": Veit, Beckering, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison. "Nay": None. Absent: Weller and Ermeling. Motion passed.

Police Department Tactical Team The vote on the deletion of the \$10,000 for reinstituting the Police Department Tactical Team was taken, with the following results: "Aye": Beckering, Feldman, Klinghammer, Kneemiller, and Veit. "Nay": Muench, Reese, and Stivison. Absent: Weller and Ermeling. Motion failed.

Senior Utility Tax Rebate Program. A motion was made by RICHARD VET to combine the vote on the deletion of the \$350,000 for the Senior Utility Tax Rebate Program and the vote on the addition of \$450,000 for funding a rebate program for all residents meeting the current income guidelines as adopted by the City. LAURIE FELDMAN seconded the motion to combine the vote. A roll call vote was taken on combining the vote, with the following results: "Aye": Beckering, Feldman, and Veit. "Nay": Klinghammer, Kneemiller, Muench, Reese, and Stivison. Absent: Ermeling and Weller. Motion failed to combine the votes. The vote on the deletion of the \$350,000 for the Senior Utility Tax Rebate Program was taken, with the following results: "Aye": Feldman, Klinghammer, Muench, Veit, and Beckering. "Nay": Kneemiller, Reese, and Stivison. Absent: Ermeling and Weller. Motion failed.

Pay Increases Due to the Compensation and Classification Review. A motion was made by RICHARD VET to combine the vote on the deletion of the \$213,483 for raises for non-represented employees and the vote on the addition of \$213,483 to the general reserve fund. BOB KNEEMILLER seconded the motion to combine the vote. A roll call vote was taken on combining the vote, with the following results: "Aye": Kneemiller, Veit, and Beckering. "Nay": Feldman, Klinghammer, Muench, Reese, and Stivison. Absent: Weller and Ermeling. Motion failed to combine the votes. Mayor Patricia M. York clarified that passage of a salary ordinance is required to approve raises; the inclusion of the amount in the budget does not approval any salary increases. The vote on the deletion of the \$213,483 for raises for non-represented employees was taken, with the following results: "Aye": Kneemiller and Beckering. "Nay": Klinghammer, Muench, Reese, Stivison, Veit, and Feldman. Absent: Weller and Ermeling. Motion failed.

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Street Fund Reserve. The vote on the reduction of the funding in the Street Fund Reserve by \$671,840 (10% versus 20%) was taken, with the following results: "Aye": Kneemiller, Veit, Beckering, and Klinghammer. "Nay": Muench, Reese, Stivison, and Feldman. Absent: Weller and Ermeling. Motion failed.

Human Resources Director Position A motion was made by MICHAEL KLINGHAMMER to amend the main motion to delete \$10,000 for the Human Resources Director position. BOB KNEEMILLER seconded the motion to amend the main motion. A roll call vote was taken on the amendment to the main motion, with the following results: "Aye": Klinghammer and Kneemiller. "Nay": Muench, Reese, Stivison, Veit, Beckering, and Feldman. Absent: Weller and Ermeling. Motion to amend the main motion failed. The vote on deleting \$30,000 for the Human Resources Director position was taken, with the following results: "Aye": Reese, Veit, Beckering, Feldman, and Kneemiller. "Nay": Stivison, Klinghammer, and Muench. Absent: Weller and Ermeling. Motion failed.

IT Director Position. A motion was made by MICHAEL KLINGHAMMER to amend the main motion to delete \$10,000 for the IT Director position. BOB KNEEMILLER seconded the motion to amend the main motion. A roll call vote was taken on the amendment to the main motion, with the following results: "Aye": Klinghammer and Kneemiller. "Nay": Muench, Reese, Stivison, Veit, Beckering, and Feldman. Absent: Weller and Ermeling. Motion to amend the main motion failed. The vote on deleting \$30,000 for the IT Director position was taken, with the following results: "Aye": Veit, Beckering, Feldman, Kneemiller, and Reese. "Nay": Stivison, Klinghammer, and Muench. Absent: Weller and Ermeling. Motion failed.

RECESS AND RECONVENE

A motion was made by MICHAEL KLINGHAMMER for a five minute recess at 9:20 p.m. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed. The Regular Council Meeting was reconvened at 9:25 p.m., with President of the Council Larry Muench presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Jerry Reese, Ron Stivison, and Richard Veit. Absent: Erv Ermeling and Michael Weller.

Public Relations Position A motion was made by RICHARD VEIT to amend the main motion to delete the entire \$96,000 for the Public Relations position in the General Fund, and that a line item be created in the Convention & Visitors Bureau to fund the Public Relations position. BOB KNEEMILLER seconded the amendment to the main motion. A roll call vote was taken, with the following results: "Aye": Veit, Beckering, Klinghammer, and Kneemiller. "Nay": Feldman, Muench, Reese, and Stivison. Absent: Weller and Ermeling. Motion failed. Following a brief discussion relative to the amendment to the main motion, a motion was made by LAURIE FELDMAN to reconsider the motion. RICHARD VEIT seconded the motion to reconsider. A roll call vote was taken on the motion to reconsider, with the following results: "Aye": Beckering, Feldman, Klinghammer, Kneemiller, Reese, and Veit. "Nay": Muench and Stivison. Absent: Weller and Ermeling. Motion passed to reconsider. A vote was taken on the

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motion made by RICHARD VEIT, and seconded by BOB KNEEMILLER, to amend the main motion to delete the entire \$96,000 for the Public Relations position in the General Fund, and that a line item be created in the Convention & Visitors Bureau to fund the Public Relations position, with the following results: "Aye": Beckering, Feldman, Klinghammer, Kneemiller, Reese, and Veit. "Nay": Muench and Stivison. Absent: Ermeling and Weller. Motion passed.

City Hall. The vote on deleting \$200,000 from City Hall was taken, with the following results: "Aye": Klinghammer, Kneemiller, Veit, and Beckering. "Nay": Feldman, Muench, Reese, and Stivison. Absent: Ermeling and Weller. Motion failed.

Street Facility The vote on deleting \$130,000 from Street Facility was taken, with the following results: "Aye": Klinghammer, Kneemiller, Reese, Veit, and Beckering. "Nay": Feldman, Muench, and Stivison. Absent: Weller and Ermeling. Motion failed.

Economic Development Fund. The vote on deleting \$150,000 from the Economic Development Fund was taken, with the following results: "Aye": Klinghammer, Kneemiller, Reese, Veit, and Beckering. "Nay": Muench, Stivison, and Feldman. Absent: Weller and Ermeling. Motion failed.

Interchange Enhancements. The deletion of \$50,000 from Interchange Enhancements was withdrawn from the motion by Councilmember Dave Beckering because the funding is allocated in the 2009 Budget rather than the 2010 Budget.

Asphalt Overlays The vote on deleting \$200,000 from Asphalt Overlays was taken, with the following results: "Aye": Kneemiller, Veit, Beckering, and Klinghammer. "Nay": Muench, Reese, Stivison, and Feldman. Absent: Weller and Ermeling. Motion failed.

Income Based Utility Tax Rebate Program. The motion for addition of \$450,000 to fund a rebate program for all residents meeting the current income guidelines as adopted by the City was moot because there was not funding available to add to the budget due to failure of previous motions.

Utility Tax. The motion to add \$431,000 for reduction of the utility tax was moot because there was not funding available to add to the budget due to failure of previous motions.

General Reserve Fund – Compensation & Classification Review. The motion for addition of \$213,483 to funding of the general reserve fund was moot because there was not funding available to add to the budget due to failure of previous motions.

Reserve Fund – Water and Sewer Rate Increases. A motion was made by DAVE BECKERING to amend the main motion to add \$35,000 to fund a new reserve fund for the purpose of lowering the required increase to water and sewer rates for residents. BOB KNEEMILLER seconded the motion to amend the main motion. All voted in favor of the motion to amend the main motion, motion passed. The vote on adding \$35,000 to fund a new

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reserve fund for the purpose of lowering the required increase to water and sewer rates for residents was taken, with the following results: "Aye": Reese, Stivison, Veit, Beckering, Feldman, Klinghammer, and Kneemiller. "Nay": Muench. Absent: Weller and Ermeling. Motion passed.

Councilmember Michael Klinghammer requested that an item be placed on the Special Council Meeting scheduled for December 22, 2009, to discuss the funding for Oktoberfest.

Bill 10062 (Held)

An Ordinance Amending Section 156.253 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Reconsideration of Applications for Amendment, Supplement or Change to the Zoning Code (*Sponsor Laurie Feldman*)

Council Bill 10062 was held by Sponsor Laurie Feldman. Vice President of the Council Laurie Feldman requested that Councilmembers forward suggested changes to Council Bill 10062 to the Legal Department prior to the January 5, 2010, Regular Council Meeting.

Bill 10069 (Held)

An Ordinance Authorizing Supplemental Agreement No. 4 to the Contract with Dave Kolb Grading, Inc. for the Pearl Ridge Storm Sewer Extension Project in an Amount of \$28,560.00, for a Total Amount Not to Exceed \$1,089,214.00 (*Sponsor Laurie Feldman*)

Council Bill 10069 was held by Sponsor Laurie Feldman.

Bill 10078 (Amended)

An Ordinance Authorizing a Standard Software License and Services Agreement with New World Systems Corporation for the Purchase and Installation of Licensed Software for the City of St. Charles in an Amount Not to Exceed \$1,432,120 (*Sponsors: Michael Weller, Bob Kneemiller, Larry Muench, Jerry Reese*)

Passed "Aye": Muench, Reese, Stivison, Veit, Beckering, Feldman, Klinghammer, and Kneemiller

"Nay": None

Absent: Weller and Ermeling

Approved by the Honorable Mayor on December 15, 2009, and is known as **Ordinance 09-229**

Bill 10079

An Ordinance Authorizing a Contract with Insituform Technologies USA, Inc. for the Basin 7 and Pearl Ridge Sanitary Sewer Rehabilitation Project in an Amount Not to Exceed \$550,000.00 (*Sponsors: Michael Klinghammer and Laurie Feldman*)

Passed "Aye": Muench, Reese, Stivison, Veit, Beckering, Feldman, Klinghammer, and Kneemiller

"Nay": None

Absent: Weller and Ermeling

Approved by the Honorable Mayor on December 17, 2009, and is known as **Ordinance 09-230**

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Bill 10080 (*Held*)

An Ordinance Authorizing the Purchase of Real Property described as Diekamp Lane Mobile Home Park (the "Property"); Approving a Purchase Contract in the Amount of \$450,000.00 plus reasonable Closing Costs; Authorizing the Assignment of Certain Pad Leases to the City; and Granting the Mayor and City Clerk Continuing Authority to Execute Documents Necessary to Carry out the Intent of this Ordinance (*Sponsor: Bob Kneemiller*)

Council Bill 10080 was held by Sponsor Bob Kneemiller.

RESOLUTION

Resolution Approving the Capital Improvement Plan, Fiscal Years 2010-2014 (*Sponsors: All Members of the City Council*)

Passed "Aye": Reese, Stivison, Veit, Feldman, Klinghammer, Kneemiller, and Muench
 "Nay": Beckering
 Absent: Weller and Ermeling

Approved by the Honorable Mayor on December 16, 2009, and is known as **Resolution R09-27**

BILLS FOR INTRODUCTION

The following Council Bills were introduced, except Council Bill 10083:

Bill 10081

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds for the Fox Hill Road Reconstruction Project (Boschertown Road to Cottonwood Drive) (*Sponsors: Michael Klinghammer and Richard Veit*)

Bill 10082

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds to Provide a Traffic Operations Study at the I-70 and Zumbuhl Interchange (*Sponsor: Jerry E. Reese*)

Bill 10083 (*Withdrawn*)

An Ordinance Authorizing an Amendment to the Contract with St. Charles County by Amending the Amount of Funding Received from the Charles County Transportation Sales Tax Funds for the Elm Street Improvements Project (Elm Point Industrial to Highway 370) (*Sponsor: Michael Klinghammer*)

Council Bill 10083 was withdrawn by Sponsor Michael Klinghammer prior to Introduction pending further discussion with St. Charles County.

Filed #47266

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Bill 10084

An Ordinance Authorizing an Amendment to the Contract with St. Charles County by Amending the Amount of Funding Received from the St. Charles County Transportation Sales Tax Funds for the Fifth Street Improvements Project (Washington to Tompkins)
(Sponsors: Richard Veit and Larry Muench)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Request for Status of the Community Center Project from the Mayor and Community Center Oversight Committee Members

Councilmember Dave Beckering read the responses provided by Director of Administration Michael Spurgeon, on behalf of the Community Center Oversight Committee, relative to the status of the Community Center Project. City members serving on the Community Center Oversight Committee responded to the concerns of Councilmember Dave Beckering relative to the proposed changes to the agreement with ShowMe Aquatics & Fitness; and whether the issue should be placed on a future ballot due to the changes in the project.
File #47267

Consideration of Funding out of the Council Directives for the St. Charles Parks Foundation in the Amount of \$15,000

President of the Council Larry Muench and Councilmember Bob Kneemiller requested funding of \$15,000 for the St. Charles Parks Foundation. A motion was made by BOB KNEEMILLER to approve funding out of Council Directives for the St. Charles Parks Foundation in the amount of \$15,000. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

Upon the request of the Honorable Mayor Patricia M. York, the Report of the Mayor was advanced on the agenda.

REPORT OF THE MAYOR

Appointment of Boards and Commissions

A motion was made by MICHAEL KLINGHAMMER to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Cable Television Commission: Re-appointment of Todd Luerding for a 3-year term ending in December, 2012.

Parks and Recreation Board: Appointment of Mary Ann Ohms to fill the unexpired term of Matthew Seeds ending in May, 2011.

RON STIVISON seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Beckering, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Weller, Ermeling, and Reese. Motion passed.

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The Honorable Mayor Patricia M. York informed the Council of the following appointment, which does not require Council confirmation:

Housing Authority: Re-appointment of Diane Burke for a 4-year term ending in December, 2013.

File #47006

Establishment of the Health Insurance Benefits Task Force

It was the consensus of the Council that the Mayor proceed with establishment of the Health Insurance Benefits Task Force as proposed in the Memorandum dated December 11, 2009.

File #47268

New Market Tax Credits

A motion was made by MICHAEL KLINGHAMMER to authorize a contract with Phil Estep of New Market Services, LLC for services as a consultant and guide in the establishment of the Community Development Entity application in the amount of \$15,000.00 DAVE BECKERING seconded the motion. All voted in favor, motion passed.

File #47269

Written and/or Verbal Messages from the Mayor

Shop Local The Honorable Mayor Patricia M. York encouraged residents to shop local.

Happy Holidays. The Honorable Mayor Patricia M. York wished everyone Christmas Blessings.

CONSENT AGENDA

A motion was made by LAURIE FELDMAN to receive and approve the Consent Agenda. JERRY REESE seconded the motion. A roll call vote was taken, with the following results: "Aye": Veit, Beckering, Feldman, Klinghammer, Kneemiller, Muench, and Stivison. "Nay": None. Absent: Weller, Ermeling, and Reese. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of December 1, 2009
2. Public Hearing of December 1, 2009

File #47270

3. Special Council Meeting of December 8, 2009

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes
 - a. Community Freedom Center Oversight of September 9, 2009

A motion was made by LAURIE FELDMAN to move *Item 9 B 1 a Community Freedom Center Oversight of September 9, 2009*, to *Subsection C Receipt of Reports from Boards, Commissions or Committees* of the Consent Agenda because the Community Freedom Center Oversight Committee has decision-making authority and does not require Council approval of the motions. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

File #47096

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b. Community Freedom Center Oversight of September 21, 2009

A motion was made by LAURIE FELDMAN to move *Item 9 B 1.b Community Freedom Center Oversight of September 21, 2009*, to *Subsection C Receipt of Reports from Boards, Commissions or Committees* of the Consent Agenda because the Community Freedom Center Oversight Committee has decision-making authority and does not require Council approval of the motions. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed. File #47096

c. Community Freedom Center Oversight of November 18, 2009

A motion was made by LAURIE FELDMAN to move *Item 9.B.1 c Community Freedom Center Oversight of November 18, 2009*, to *Subsection C Receipt of Reports from Boards, Commissions or Committees* of the Consent Agenda because the Community Freedom Center Oversight Committee has decision-making authority and does not require Council approval of the motions. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed. File #47096

d. Technology Committee Meeting of September 14, 2009

File #47097

e. Technology Committee Meeting of October 26, 2009

File #47097

f. City Facilities Task Force Meeting of November 23, 2009

File #47250

g. Council Work Session of November 24, 2009

File #47016

h. Council Work Session of December 1, 2009

File #47016

i. Council Work Session of December 8, 2009

File #47016

2. Approval of Council Committee Motions/Actions/Recommendations

a. Community Freedom Center Oversight of September 9, 2009

- i. Motion to authorize the Mayor to Execute a Contract with the Apparent Low Bidder for Environmental Abatement Subject to Recommendation by SCI Engineering and McCarthy Construction
- ii. Motion that Request for Qualifications to Hire a Project Manager to Oversee the Project be Advertised Specifying Construction Management Skills and Project Accounting; and that the Results from the Request for Qualifications be Forwarded to the Committee for Further Discussion

A motion was made by LAURIE FELDMAN to move *Item 9 B 2.a. Community Freedom Center Oversight of September 9, 2009*, to *Subsection C Receipt of Reports from Boards, Commissions or Committees* of the Consent Agenda because the Community Freedom Center Oversight Committee has decision-making authority and does not require Council approval of the motions. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

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- b. Community Freedom Center Oversight of September 21, 2009
 - i. Motion to Accept McCarthy Construction's Recommendation for Award of Bid Package #1 – Demolition, Site Work, and Sewers, as follows:
 - a) Aalco Wrecking Co., Inc. (Work Category #1 – Selective Demolition); \$152,470.00
 - b) McFry Excavating, Inc. (Work Category #2 – Earthwork); \$137,010.00
 - c) Wehmeyer Farms, Inc. (Work Category #3 – Storm and Sanitary Sewers); \$231,053.00
 - d) Wehmeyer Farms, Inc. (Work Category #4 – Water Systems); \$71,490.00
 - e) Vision Electric & Systems, Inc. (Work Category # 5 – Electrical); \$39,300.00
 - f) Ben Hur Construction Co. (Work Category #6 – Renovation General Contracting); \$264,787.00
 - g) Smith Group Inc. (General Conditions – Building Enclosure Consultant); \$46,050.00
 - h) McCarthy Construction (General Conditions associated with the execution of Bid Package #1 which represents the general conditions associated with site mobilization, office set up, and supervision and services associated with the first four months of construction duration). Cost for these services, less the Building Enclosure Consultant listed above, total \$398,152.00
 - ii. Motion to Accept ShowMe Aquatic's Recommendation of Engineering Services for Implementation of AmerenUE New Construction Incentive Program for the St. Charles Community Freedom Center, as follows:
 - a) New Construction Lighting Incentives for a fixed fee of \$1,200.00. The expected incentive from AmerenUE will be in the range of \$10,000 to \$50,000
 - b) New Construction Motor Incentives for a fixed fee of \$500.00. The expected incentive from AmerenUE will be in the range of \$2,000
 - c) New Construction Custom Energy Efficient Incentives for Outdoor Lighting for a fixed fee of \$500.00. The expected incentive from AmerenUE will be in the range of \$0 to \$2,000

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- d) VFD's to the Pool Pumps for a fixed fee of \$500.00.
The expected incentive from AmerenUE will be in the range of \$0 to \$3,000

And, that Additional Information Relative to the New Construction Custom Energy Efficient Incentives for HVAC be Provided to the Committee Members before any Decision is Made on this Incentive

A motion was made by LAURIE FELDMAN to move *Item 9.B.2.b. Community Freedom Center Oversight of September 21, 2009*, to *Subsection C Receipt of Reports from Boards, Commissions or Committees* of the Consent Agenda because the Community Freedom Center Oversight Committee has decision-making authority and does not require Council approval of the motions. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

- c. Community Freedom Center Oversight of November 18, 2009
 - i. Motion to Advertise Bid Package #2 – Steel, Curtainwall, Foundation, and Pool

A motion was made by LAURIE FELDMAN to move *Item 9.B.2.c. Community Freedom Center Oversight of November 18, 2009*, to *Subsection C Receipt of Reports from Boards, Commissions or Committees* of the Consent Agenda because the Community Freedom Center Oversight Committee has decision-making authority and does not require Council approval of the motions. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

- d. Technology Committee Meeting of September 14, 2009
 - i. Motion to Approve the Short List of New World Systems and MS Govern; and to proceed with the selection process.
 - ii. Motion to Direct Staff to Schedule Working Sessions with New World Systems and MS Govern by Friday, October 2, 2009
 - iii. Motion to Allow Public Works and Community Development to Engage in Conversation with Other Providers of Applicable Software to Identify Product Offerings which would Address the Gaps Identified
- e. Technology Committee Meeting of October 26, 2009
 - i. Motion to Approve the Installation of the Software Necessary for the Activation of the Closed Circuit Television Video System for City Hall and the Parking Garage
 - ii. Motion that Council Authorize Staff to Begin Negotiating a Contract with New World Systems (Excluding GBA Master Suite and LSV Product); and to Negotiate with Wennsoft as the Provider for the Public Works Software
 - iii. Motion to Direct Staff to Negotiate a Contract for the Police CAD/RMS and Municipal Court ERP Projects with Plante Moran for the Baseline Review in the

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- Amount of \$12,900 and Option 1 in the Amount of
\$11,000, as Outlined in the October 7, 2009, Proposal.
- f. City Facilities Task Force Meeting of November 23, 2009
(None)
 - g. Council Work Session of November 24, 2009 *(None)*
 - h. Council Work Session of December 1, 2009 *(None)*
 - i. Council Work Session of December 8, 2009 *(None)*
- C. Receipt of Reports from Boards, Commissions or Committees
- 1. Beautification Commission Meeting of September 2, 2009
File #47101
 - 2. Planning and Zoning Commission Meeting of October 26, 2009
File #47058
 - 3. Special Business District Advisory Board Meeting of September 3, 2009
 - a. Motion to Allocate Money to Repair the Existing Signs and to Change the color of the Signs as Long as Changing the Color will not Affect the Price
 - b. Motion to Initiate the Branding Process for Signage and to Request Bids for a Logo for the Entire Historic District
File #47100
 - 4. Special Business District Advisory Board Meeting of October 1, 2009
 - a. Motion to Approve \$4,000 for Carriage Rides During Christmas Traditions
 - b. Motion to Oppose Council Bill 10030 Relative to Main Street Vending
File #47100
 - 5. Economic Development Commission Meeting of November 5, 2009
File #47043
 - 6. Board of Public Works Special Meeting of September 24, 2009
 - a. Motion to Recommend Alternate #3 for the Elm Point Water Treatment Plant Storage Tank Upgrade (the Purchase of a New 150,000 Gallon Storage Tank to Allow the Plant to Continue Operating in the Event the Existing Tank Needs to be Replaced
 - b. Motion to Recommend Authorization to Pay MoDNR \$10,710 in mitigation Credits for Extending 136' of Culvert at 1917 Park as Part of the Emergency Creek Bank Stabilization Project
 - c. Motion to Recommend Approval of the Contract with Wright Construction Services, Inc. for the Mississippi River WWTP Maintenance Building Upgrade in an Amount not to Exceed \$356,000
File #47072

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7. Board of Public Works Meeting of October 8, 2009
 - a. Motion to Recommend Acceptance of Water, Sanitary Sewer, and Storm Sewers in Hineman Woods Estates, Hineman Woods Development and Full Release of Escrow Funds for Said Improvements
 - b. Motion to Recommend Acceptance of Water, Sanitary Sewer, and Storm Sewers at Charlestowne Plat I, Consort Homes and Full Release of Escrow Funds for Said Improvements
 - c. Motion to Recommend Approval of the Revisions to the Wellhead Protection (WHP) Ordinance
 - d. Motion to Recommend Approval of a Contract with Knapheide Truck Equipment Center for the Purchase of a Knapheide Truck Service Body for the Water Division in an Amount not to Exceed \$49,825
 - e. Motion to Recommend Approval of the Contract with Ideal Landscape Group for Creek Bank Stabilization at 1917 Park and 145 College in an Amount not to Exceed \$224,795
 - f. Motion to Recommend Approval of the Contract with Wehmeyer Farms for Creek Bank Stabilization at 1787 and 1803 Buckingham Green Court in an Amount not to Exceed \$225,413.50
 - g. Motion to Recommend Approval of Supplemental Agreement No. 1 with Reitz and Jens for Additional Design Services on the Cole Creek Stabilization from Canary to Hunters Ridge in an Amount not to Exceed \$35,000

File #47072

D. Receipt of Reports of the Director of Administration

1. Notice of Emergency Purchases

File #47004

2. Receipt and Distribution of 2010 Rate Increase from Allied Waste/Republic Services

File #47271

3. Authorization to Negotiate with Jacobs Engineering Group, Inc. for Design of the Elm Point Water Treatment Plant Storage Tank Upgrade

File #47272

4. Request Council Authorizes continued Interim Pay for Nick Hisserich in Connection with IT Department Management and leadership Role

File #47273

5. Request Council Authorizes continued Interim Pay for Rick Brown in Connection with HR Department Management and Leadership Role

File #47274

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- E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Contract with St. Charles Jaycees for Operation Assistance for the Holiday Ice Rink in an amount not to exceed \$35,500.00
File #47275
2. Contract with Dinan Real Estate Advisors for Appraisal for ROW Acquisition for Fairgrounds Road Improvement Project Phase II in an amount not to exceed \$51,400.00
File #47276
3. Contract with Putnam Chevrolet for 2 Chevrolet Colorado Pickup Trucks for the Community Development Department in the Amount of \$31,084.00
File #47277
4. Renewal Contract with SSM Executive Health for Fire Department Physicals for Calendar Year 2010 in an Amount not to Exceed \$39,385.00
File #47278
- F. Preliminary Plats
None
- G. Miscellaneous
1. Investment Report for November 2009
File #47057
2. Amendment to Council Rule 13(A) Relative to Regular Council Meeting Agendas
File #47068
3. Approval of Home Improvement Loans
File #47055
4. Report of the Court Administrator for Monies Collected and deposited during the month of November 2009
File #47056
5. Approval of Liquor License Application for Quik Trip #603 Located at 2260 First Capitol Drive
File #47005

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers
Tecumseh Roundabout. Councilmember Richard Veit announced that the Tecumseh Roundabout is open.

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TABLED BILLS/PUBLIC HEARINGS

Bill 10013 (*Removed from Table*)

An Ordinance Amending Chapter 113 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Sections 113.02, 113.03, 113.15, 113.19, 113.30, 113.35 and 113.40 to Reduce the License Tax for Electricity, Gas and Telephone; Eliminate the Refund of License Fees to Elderly Residents; and Provide Effective Dates Thereof.

(Sponsors *Dave Beckering and Richard Veit*)) (***Tabled at the September 1, 2009,***

Regular Council Meeting)

A motion was made by DAVE BECKERING to remove Council Bill 10013 from the table. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

APPROVAL OF CLOSED MINUTES

A motion was made by BOB KNEEMILLER to approve the following Closed Session Minutes. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Beckering, Feldman, Klinghammer, Kneemiller, Muench, Stivison, and Veit. "Nay": None. Absent: Weller, Ermeling, and Reese. Motion passed.

- A. Regular Council Meeting of October 13, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- B. Council Work Session of October 27, 2009 (6:00 p.m.), relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- C. Regular Council Meeting of October 27, 2009 (8:05 p.m.), relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- D. Council Work Session of November 3, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- E. Council Work Session of November 17, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real

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estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

- F. Council Work Session of November 24, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

The Regular Council Meeting was adjourned at 11:20 p.m.

January 5, 2010
Date Approved
Marilyn L. McCoy
City Clerk

G. A. Muench
Larry Muench, Presiding Officer